

## **Senate Bill No. 892**

### **CHAPTER 441**

An act to amend Section 4565 of, and to add Section 17523.5 to, the Family Code, relating to family law.

[Approved by Governor October 10, 2007. Filed with  
Secretary of State October 10, 2007.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

SB 892, Corbett. Family law: child support.

(1) Before entry of a child support order, existing law allows a child support obligor to file an application with the court to reduce or eliminate the related child support security deposit, if specified conditions are met.

This bill would also require the child support obligor, after the filing of that application, to serve the application and supporting financial and other information upon the child support obligee and any other party to the proceeding.

(2) Existing law obligates a parent to support his or her child. Existing federal law, Title IV-D of the Social Security Act, in connection with child support enforcement, requires the state to effect laws that require the use of certain procedures to collect unpaid child support debt, including liens that arise by the operation of law against real and personal property for amounts of overdue support owed by a noncustodial parent who resides or owns property within the state.

Existing law requires the Department of Child Support Services to administer all services and perform all functions necessary to establish, collect, and distribute child support, and requires the department and the local child support agency to promptly and effectively collect and enforce child support obligations. Pursuant to the above-described provisions of federal law, existing law further provides, when the local child support agency is enforcing a delinquent support obligation, for the creation of a lien against the real property, as defined, of the support obligor in specified circumstances.

This bill would authorize the transmission, filing, and recording of the lien that arises by the operation of law against the real property of the support obligor, pursuant to the above-described provisions of existing law, by means of a digitized or a digital electronic record, as provided.

*The people of the State of California do enact as follows:*

**SECTION 1.** Section 4565 of the Family Code is amended to read:

4565. (a) Before entry of a child support order pursuant to Section 4560, the court shall give the child support obligor reasonable notice and opportunity to file an application to reduce or eliminate the child support security deposit on either of the following grounds:

(1) The obligor has provided adequate alternative equivalent security to assure timely payment of the amount required by Section 4560.

(2) The obligor is unable, without undue financial hardship, to pay the support deposit required by Section 4560.

(b) The application shall be supported by all reasonable and necessary financial and other information required by the court to establish the existence of either ground for relief.

(c) After the filing of an application, the child support obligor shall also serve the application and supporting financial and other information submitted pursuant to subdivision (b) upon the child support obligee and any other party to the proceeding.

SEC. 2. Section 17523.5 is added to the Family Code, to read:

17523.5. (a) (1) Notwithstanding any other law, in connection with the duty of the department and the local child support agency to promptly and effectively collect and enforce child support obligations under Title IV-D, the transmission, filing, and recording of a lien record by departmental and local child support agency staff that arises pursuant to subdivision (a) of Section 4506 of this code or Section 697.320 of the Code of Civil Procedure against the real property of a support obligor in the form of a digital or a digitized electronic record shall be permitted and governed only by this section.

(2) A facsimile signature that complies with the requirements of paragraph (2) of subdivision (b) of Section 27201 of the Government Code shall be accepted on any document relating to a lien that is filed or recorded pursuant to this section.

(3) Pursuant to Chapter 4 (commencing with Section 10080) of Part 1 of Division 9 of the Welfare and Institutions Code, the department and the local child support agency may use the California Child Support Automation System to transmit, file, and record a lien record under this section.

(b) Nothing in this section shall be construed to require a county recorder to establish an electronic recording delivery system or to enter into a contract with an entity to implement this section.

(c) For purposes of this section, the following terms have the following meanings:

(1) “Digital electronic record” means a record containing information that is created, generated, sent, communicated, received, or stored by electronic means, but not created in original paper form.

(2) “Digitized electronic record” means a scanned image of the original paper document.